MISS IRENE JACKSON DECLARES FRANK LOOKED INTO DRESSING ROOM ON SEVERAL OCCASIONS

Daughter of Policeman A. W. Jackson Testifies That Frank Opened the Door of Dressing Room and Looked in While Young Lady Was Dressing and That a Complaint Was Registered With a Forelady, Miss Cleland, About It

NEWSPAPER MAN TELLS OF JIM CONLEY'S PANTOMIME RE-ENACTMENT AT FACTORY

Solicitor Dorsey Attacks the Pinkertons, Charging That They Failed to Report Their "Finds" to Police—Many Young Women Employed at the Factory Testify to Frank's Good Character—Court Adjourns Until Monday Morning

With Harllee Branch, a reporter for The Journal, on the witness stand where he had just described Conley's pantomime re-enactment of his alleged part in the disposal of the body of Mary Phagan, witnessed by him as a newspaper man, the trial of Leo M. Frank was adjourned at 1:05 o'clock Saturday afternoon until Monday morning at 9 o'clock. Mr. Branch, summoned by the defense to testify in regard to an interview with Jim Conley at the tower, over the protest of Attorney Luther Z. Rosser, was permitted by the court to describe Conley's pantomime re-enactment when requested to do so by the solicitor.

Just before court adjourned, Judge Roan addressed a few words to the jury, expressing regret that it was necessary to keep them away from their families another Sunday but stating that he sincerely hopes this would be the last Sunday that they would have to held together.

Unexpected testimony for the state was drawn from Miss Irene Jackson, daughter of Policeman A. W. Jackson, a former employe of the factory, who had been summoned as a defense witness. On cross-examination Solicitor Dorsey developed testimony to the effect that the girls in the factory were somewhat afraid of Frank, that on one occasion Frank had looked into the dressing room while Miss Emily Mayfield was partly

dressed and that Miss Mayfield had complained to a forelady, Miss Cleland. She told of other occasions on which the superintendent is alleged to have pushed the door of the dressing room open while the girls were in there dressing. She admitted on cross-examination that the occurrence to which she testified occurred last summer, but that she had [...]

when her father made her leave. She also admitted that there had been complaint of the girls flirting through the windows of the dressing room and that Frank had spoken to her forelady about it.

CLASH OVER PINKERTONS.

Efforts of Solicitor Dorsey to show that the Pinkertons did not "go down the road with the city police and detectives," out that on contrary they concealed evidence discovered by them from the city detectives brought a protest from Attorney Luther Z. Rosser. It was during the testimony of W. D. McWorth, the Pinkerton who found the bloody club, part of a pay envelope and some lengths of cord on the first floor of the factory, that the argument was precipitated. The jury was sent out during the argument. Dorsey charged that Detective John Black, hearing about the find of a bloody club, went to the Pinkertons and was shown the handle of a buggy whip, produced in court by the solicitor, instead of the club. Judge Roan permitted the state to ask when the Pinkertons had reported to the police, but declared hearsay evidence must be omitted.

Solicitor Dorsey also sought in his questioning of McWorth to show that when McWorth showed the portion of the pay envelope found by him to the Colemans, there was a figure 5 on it and that Mary Phagan's wages for the week in which she was killed were $1.20, containing no such figures. The Pinkerton denied that there was a figure 5 on the envelope and that there had been any conversation with the Colemans about the figure 5.

At the conclusion of Mrs. Rae Frank's testimony, many women employes of the pencil factory took the stand Saturday morning to testify to the good character of Leo M. Frank and the

bad reputation of the negro Jim Conley. Practically the same questions were asked all of these witnesses and the same answers received in reply. The solicitor contented himself with a few brief questions, except in the case of Miss Opie Dickinson. Miss Dickinson couldn't remember whether she had been at the Bijou theater with Darley, Wade Campbell and Miss Louise Gresham on the night of April 26, though pressed for a definite answer by the solicitor. The purpose of the solicitor's question was not apparent.

Attorneys for the defense of Leo M. Frank, who has been on trial in the criminal division of the superior court since July 28 for the murder of Mary Phagan, changed their plans during Friday's session and have called nearly one hundred additional witnesses, principally employes of the National Pencil factory, who will testify to the good character of the young superintendent.

Apparently by the weight of overwhelming numbers the defense is endeavoring to build such a character wall around Frank that it cannot be denied by the promised attack of Solicitor H. M. Dorsey's witnesses, who will be introduced in rebuttal.

Mrs. Rae Frank, mother of the accused, was recalled to the stand by the defense when court resumed Saturday morning for the eighteenth day of the Frank trial. She had been the last witness of Friday afternoon's session, identifying then a letter signed "Leo M. Frank" and dated Atlanta, April 26, which she said had been received by her brother-in-law, Moses Frank, and had been opened by him in her presence in a New York hotel on April 28. While on the stand Friday Mrs. Frank promised to the state that she would produce in court Saturday morning the originals of telegrams sent by her son to his uncle in New York.

Attorney Rosser asked, "Have you any rich relatives in Brooklyn?"
"No, I have not."

"Was there any other paper in this envelope when you saw it?" asked Mr. Rosser, producing the envelope identified by Mrs. Frank Friday.

"Yes, another long paper with something on it about prices was taken out with the two papers you have read."

"Mrs. Frank I hand you here what purports to be a photograph of some handwriting. Do you know whose it is?"
"Yes, it is my son's handwriting."

Solicitor Dorsey cross-examined the witness again.

Indicating the photograph, which was exhibited several days ago to a witness who identified much of Frank's handwriting but could not identify the photographed writing, the solicitor asked: "Anyone at all familiar with your son's handwriting would know at once that that is his, wouldn't he?"
"Yes."

The solicitor questioned Mrs. Frank about the papers which were received by Moses Frank in the envelope. She said that she could not tell much about the long slip, but that Mr. McCarley got them all back from Europe and he could tell. She had never had it in her hand, she said.

"What relatives have you in Brooklyn?" asked the solicitor.

"My sister, Mrs. Bennett."

"What does her husband do?"
"He's a clerk at $18 a week. He clerks for my brother in LaFayette avenue."

"What does your brother do?"
"He is a clerk for my son-in-law, Mr. Stearns."

"What does your son-in-law do?"

"He is a retail cigar dealer."

ESTATE NOT LARGE.

"Your own estate is quite large, isn't it?"

"No, sir."

"What are your tax returns?"
"I don't understand you."

"What is the value of your estate?"
"I have no estate."

"Well, what do you live on?"
"We have a little money out at interest."

"How much is that?"
"About $20,000."

"That is all your own?"

"No, indeed, it belongs to my husband and myself together."

"Do you own the house you live in?"
"I don't understand."

"Lafayette avenue is one of the principal streets in Brooklyn, isn't it?"
"We don't live on Lafayette avenue. We live on Underhill avenue."

"Well, how does it rank?"

"It's just a residential section."

"Don't you know the size of your lot?"
"I think it's about 16×90."

"Is there a two-story house on it?"

"Yes."

"Made of brick?"
"Yes, I think so."

"What taxes do you pay?"
"We pay $86 a year, I think, New York rates. But you must

remember, Mr. Dorsey, we have a large mortgage on the house."
"How much is that mortgage?"

"$6,000."

"That's about a third of what the house is worth, is it?"
"No, no. The mortgage is more than the price we paid for the house."

"You mean to say you've got your house mortgaged for more than it's worth?" […]

WITNESS, CALLED BY THE DEFENSE, TESTIFIES AGAINST FRANK

[…] "No, we paid $4,000 down on the house and assumed a $6,000 mortgage."

"You didn't pay all cash, did you?"

"I don't know. I'm no business woman."

"You paid $4,000 for the house, and assumed a $6,000 mortgage. That makes the house worth $10,000, doesn't it?"
"Yes, if you count the mortgage."

"You don't owe anything except the mortgage, do you?"
"No, sir."

"Are you sure that you haven't more than $20,000 loaned out?"
"Yes, we haven't any more."

"What interest do you get on it?"
"I don't know. Do you want me to tell you all about my everyday life?"
"I want you to answer, if you please, the questions I ask you. What business is your husband in now?"
"Temporarily he is doing nothing." Mrs. Frank added that until a year ago he had been a traveling salesman. She testified that her son-in-law lives with her and pays $22.80 a month rent. She does

not know the extent of his business, she said. She testified that she has two sisters in Brooklyn—Mrs. Bennett and Miss Jacobs. Miss Jacobs, said she, lives with Mrs. Bennett and works every day.

"Where does Leo Frank's uncle live?"
"Right here in Atlanta."

"Doesn't he spend any time in Brooklyn?"

UNCLE CONSIDERED WEALTHY.

"Oh, yes, he spends some Sundays there. And sometimes he invites u over to New York to dinner when he's there."

"He's very wealthy, isn't he?"

"He's generally considered so."

"Don't you know that he was in Brooklyn Saturday?"
"He wasn't at my house."

"How much of the $20,000 is yours personally?"
"About $3,000."

"How much interest do you get on that?"
"Six per cent. I collect it myself every six months."

"You don't know whether or not Mr. Frank owns more than this, do you?"
"Oh, I know all of my husband's affairs."

"How much cash did he have in the bank when you left?"
"I don't know. A few hundred dollars possibly."

"How much interest do you get on the other $17,000?"

"I don't know."

"And you say you get your six per cent interest on your $3,000 every six months?"
"Yes."

"How much interest do you pay on the mortgage?"
"Five per cent."

"How often do you pay it?"
"Once a year."

That concluded the cross-examination. Attorney Rosser questioned the witness again.

"How old is your husband, Mrs. Frank?"
"Sixty-seven years."

"What is the state of his health?"
"It is very poor. He is nervous and broken down from hard work."

Mrs. Frank was excused, and Attorney Rosser read to the jury the letter tendered as having been written by Frank to his uncle on April 26.

ENGINEER TESTIFIES.

Knox Thomas, a civil engineer, was called as the next witness. He testified that he had measured the distance from the intersection of Marietta and Forsyth streets to the office of the pencil factory on the second floor, and found it to be 1, 016 feet. He testified that he walked this distance at his usual gait and that it took him four and a half minutes. He measured also the distance between the corner of Alabama and Whitehall street and found it to be 931 feet. He testified that he walked this distance at his usual gait and that it took him three and a half minutes. He testified that he measured the distance from Broad and Hunter streets to the pencil factory office and found it to be 333 feet. He walked that distance at his usual gait, said he, and it took him one and three-quarters minutes.

Briefly cross-examined by Solicitor Dorsey, the witness answered the question "What is your walking gait?" with the reply

"Four miles an hour." Then asked as to how long it would take him to walk one mile, that being his usual gait, he figured on a piece of paper and replied that it would take him 30 minutes. In a moment he saw his mistakes, grinned and corrected himself by saying 15 minutes.

"Then," asked the solicitor, "were the measurements you made for the attorneys for the defense any more accurate than your first answer?"

The witness answered, "Yes, sir. I'm satisfied they were accurate."

MISS HALL RECALLED.

Miss Corinthia Hall, who works on the fourth floor of the pencil factory, and who had testified previously for the defense, was the next witness. Attorney Arnold asked her the usual question as to whether or not she ever had been to Frank's office to drink beer, she answering in the negative. She then testified in a general way that she had once or twice heard of Jim Conley being drunk in the factory, and that she would hesitate to believe any negro on oath. She was asked a few questions by Solicitor Dorsey and then was excused.

JIM A BORROWER.

Miss Ida Hayes, who works on the fourth floor of the pencil factory, testified that Frank's general character is good. She denied that she ever went to Frank's office to drink beer. In answer to a question "What is Jim Conley's general reputation for truth and veracity?" she answered. "I guess you would say it is bad." On cross-examination by Attorney Hooper she said that Jim Conley's worst habit, probably, was borrowing money.

Miss Eula Mae Flowers, who works on the second floor of the factory, testified that Frank's character is good, and that the character of Jim Conley is bad and that she would not believe him on oath. Cross-examined by Mr. Hooper, she stated that Jim had

borrowed money from her and that she got it back by having it taken out of his wages without his agreeing to that.

Miss Ella Hayes, who now works at Kress', testified that for eleven months she worked on the fourth floor of the pencil factory and quit Monday after the tragedy. She testified that Frank's character is good.

Miss Minnie Foster, who worked on the fourth floor of the factory for a year, testified that Frank's character is good. On cross-examination she admitted she had formed her opinion of his character from her own knowledge and had never heard it discussed prior to the tragedy.

SHE COULDN'T REMEMBER.

Miss Opie Dickinson, who has worked at the pencil factory seven years, testified that Frank's character is good and that Conley's character is bad and she wouldn't believe him on oath. Solicitor Dorsey cross-questioned her.

"Where were you the night of April 26?"

"I don't know."

"Do you know Miss Louise Gresham?"
"Yes."

"Were you with her the night of April 26?"
"I don't remember."

"Were you with Wade Campbell the night of April 26?"

"I don't remember."

"Do you know Mr. Darley ever at the pencil factory?"
"Yes."

"He's a married man, isn't he?"
"Yes."

"Didn't you go to the Bijou theatre with Mr. Darley, Mr. Campbell and Miss Gresham on the night of April 26?"
"I don't remember."

"Don't you remember going out to Miss Gresham's house to get her?"
Attorney Arnold objected to the question as immaterial and irrelevant. Judge Roan sustained the objection.

"How did you get Miss Gresham up town that night?"
"I wasn't with her."
Attorney Arnold objected again, and was sustained, and the question and answer were stricken.

"Are you quite sure you don't know where you were Saturday night, April 26?"
"I don't remember."

"Quite sure, now, are you?"
"I don't remember."

"Come down."

Miss Emma Freeman testified that she has been working on the fourth floor of the factory for four years, that Frank's reputation is good, and that she would not believe Conley on oath. Solicitor Dorsey asked her one question. "You have never heard a suggestion or reference to immoral conduct on the part of Frank, have you?" "No, sir," she answered.

Miss Gussie Wallace and Miss Annie Osborn testified that Frank's character is good. Miss Wallace said that she did not know Conley's character. Miss Osborn and Conley's character is bad. Answering Attorney Hooper, Miss Osborn and she based her estimate of Conley's character simply on the fact that he did not pay back money that he had borrowed from her.

Mrs. Ella Thomas testified that Frank's character is good, that Conley's is bad, and that she would not believe Conley on

oath. Answering questions by Attorney Hooper, she said she loaned Conley 18 cents and never got it back.

DIDN'T KNOW HIS CHARACTER.

Miss Bessie Thrallkro testified that she did not know either Frank's or Conley's character. Answering questions by Attorney Hooper, she said she did not remember seeing Conley on Monday, Tuesday or Wednesday following the murder; that she had heard of the blood stain on the metal room floor but did not have curiosity enough to go back and see it. She worked in the job department on the second floor, she said.

Miss Allie Denham was excused without the usual questions when it was found that she had gone to work in the factory only two weeks before the murder. She appeared to be not more than 12 or 13 years old.

The next witness, Miss Rebecca Carson, testified that Frank's character is good and that Conley's is bad. On cross-examination she stated that she declined several times to lend Jim money; that he bore a reputation among the young women workers of being a bad payer.

Miss Maude Wright, who works on the third floor of the pencil factory, failed to qualify as a character witness for Frank or against Jim Conley, as she stated that she merely knew them both when she saw them. On cross-examination she declined to say that she had ever heard anything against Frank.

PINKERTON ON STAND.

W. D. McWorth, a Pinkerton detective, who claimed to have found on the first floor the large bludgeon and the end of Mary Phagan's pay envelope, was the next witness. In response to questions by Attorney Rosser, he testified that he worked fifteen days on the mystery; that on May 15 he made a search of the ground floor of the pencil factory, finding stains near the trap door which may or may not have been blood. He testified that on a radiator behind the trap door and up against the partition he

found eight or nine lengths of rope used in the factory to tie up pencils. He testified that one length of the rope showed signs of having been cut recently. Behind the radiator he found about half a barrel of rubbish, and among the rubbish a newspaper dated February 19, 1913. Six of eight inches from the radiator, said he, in a corner, he found a small pile of trash. He found in this pile the end of a pay envelope. It was dirty, said he, and when he and Whitfield, another Pinkerton detective, took it to the front door to examine it more closely he discovered on the envelope the number "186" and the initials "M. P." He found, standing up against the door, a large club, said he, which was produced and identified by him. It is about two inches in diameter. He testified that he asked Holloway what it was used for, and that Holloway told him it was a roller used in loading boxes on to wagons. He found some stains on it, said he.

He was cross-examined by Solicitor Dorsey. The solicitor produced the handle of a buggy whip and asked the witness if he had ever seen that. The witness answered in the affirmative.

The detective said that h found the whip handle behind the front door of the factory. He pointed out on the diagram where he found the bludgeon and where he found the part of an envelope. The door to the Clark Woodenware company was closed and nailed the day he found them. He said that he started his search about 9 o'clock in the morning on the office floor and that it was about 5:15 o'clock when he commenced to make his discoveries.

He said that Darley had shown him the place on the second floor where the chips had been taken, and that the floor back there looked as if it was stained. Factory employees pointed out to him half a dozen places in the metal room where there were similar stains. He could see no difference between those other stains and the one whence the chips had been taken.

Answering the solicitor's questions, the witness declared he was not looking especially for a pay envelope, but acting under the instructions of Harry Scott he was looking for a mesh bag. He described the mesh bag for which he was looking as about five inches wide, with three or four links broken. He was joined in his

search at the factory by L. P. Whitfield, Pinkerton operative, before he made his discoveries.

"Where did you discover these blood stains?"
"I didn't say blood stains. I said stains."

The solicitor referred to a report by the Pinkertons. "Didn't you say in your own report that day that you had found blood stains?"
The witness examined his report and said that he said that he had found what looked to him like blood stains.

"Describe those stains."

The witness described them as discolorations of the floor, seven in number, and six or seven inches in diameter. The witness admitted that it was rather dark at that point near the trap door, but said that he discovered the stains without artificial light, but used matches to examine them more closely. The detective described how the cords which he claimed to have found were entwined about the pipes of the radiator.

In reply to questions, McWorth said that he found the stains first, and later the envelope. Some of the stains were within two feet of the trap door. The witness first said that Whitfield was not examining the stains and the rope when he picked up the rolled corner of the envelope on which was written Mary Phagan's name. When shown a Pinkerton report, however, which shows that Whitfield was examining the stains and rope when he picked up the paper, he said that it probably was correct.

ROSSER COMPLAINS TO COUNSEL.

While the solicitor was examining the witness Attorney Rosser walked over and complained to Attorney Hooper that the conduct of Detective Starnes and Policeman Payne in receiving messages from witnesses was improper, and he asked that Mr. Hooper stop it. The solicitor stopped his examination to whisper to Detective Starnes. Then he called the court's attention to the matter, declaring that in view of the complaint of the counsel he

would like to have Mr. Starnes state to the court what the message was that he had just received. Attorney Rosser objected to the discussion in open court, saying he had made merely a private complaint to counsel. Attorney Hooper, upholding the solicitor's position, asked that the court go into the matter, and said to Attorney Rosser, "You don't know how loud you whisper, my big friend."

The court held that no complaint had been brought before it by counsel for the defense, and refused to go into the matter.

Solicitor Dorsey, continuing the examination of McWorth, caused the witness to show how the corner of the pay envelope was rolled and folded when he found it. He declared that the envelope was only eight or ten inches from the trap door. He said there were two scraps of white paper, possibly a newspaper, about the size of a person's finger, within a short distance of the envelope.

"is this paper," exhibiting the corner of an envelope, "just like it was when you found it?"
"Yes."

HAD NO FIGURES ON IT.

"Didn't it then have a figure ‘5' on it?"

"No."

"Do you know who addressed the envelope?"
"No."

"Did you talk to Schiff about it?" At that point the solicitor looked over and saw Schiff sitting with counsel for the accused, and asked the court to put him out. Attorneys for the defense said that they needed Schiff to help them because he knew the names of people in the factory; that he already had been examined, and that they saw no reason why he should not remain. They called attention to Harry Scott, the Pinkerton detective, who was sitting behind the solicitor. The solicitor contended that Scott was in the

room by consent of counsel for both sides and the court. He said Schiff was not. Schiff was excluded from the court. Attorney Arnold remarking as he went out, "Well, we will a month if necessary and go out and consult between the examination of witnesses."

"Did you show this envelope to Schiff?" resumed the solicitor.

"Yes."

"Did he identify the writing on it?"
Attorney Rosser objected, and was sustained by Judge Roan.

"On Saturday, May 17, did you in the presence of Mr. Whitfield, of the Pinkerton agency, show this envelope to Mr. Coleman and Mrs. Coleman?"
"Yes."

"Isn't it true that at that time there was a figure five on the envelope?"
"No more than there is now."

"What was the conversation with the Colemans with reference to this figure five?"

COURT ALLOWS QUESTION.

Attorney Rosser objected. It was hearsay evidence, said he. He said that the only way it would admissible was for impeachment, and that if the state expected to impeach the witness it was not proceeding upon the right foundation.

Judge Roan: "I will allow the question if the state expects to show that this man asquiesced to the figure five in that conversation."

Solicitor Dorsey explained, "That's exactly what I do want to show."

"Well, your honor. I don't see how we could be bound by what happened out there on May 17," exclaimed Attorney Rosser. "The defendant was not present."

DENIES CONVERSATION.

"I expect to show by Mr. Coleman that on May 17," said the solicitor, "two days after this piece of envelope was found, Whitfield and this detective went out at the Colemans and had a conversation there about the figure 5, and I expect to show that this envelope had a figure 5 on it and that Mr. Coleman called the attention of this detective and Whitfield to the fact that Mary didn't get but $1.20 on the day she was murdered."

Judge Roan allowed the question. Solicitor Dorsey then asked.

"Did any such conversation occur?"

"No," answered the witness.

"You deny, then, that Mr. Coleman called your attention to a figure 5, do you?"
"No, sir," he did not."

"What was the amount Mary Phagan had received on the four pay days preceding her murder. Didn't that amount end in a $5?"

Attorney Rosser objected, "He doesn't know how much Mary Phagan got."

The solicitor apparently withdrew the question. Instead, he picked up the Pinkerton report which he had been using, and showed it to the witness. Singling out a portion of it, he asked,
"Where did you get that information?"
"From the office, I guess."

"Where from in the office?"
Attorney Rosser objected and was sustained. Solicitor Dorsey

said, "I'll ask that this man be held if you don't want to let this evidence in now." Attorney Rosser did not object further.

"You had made this report before you saw the Colemans, hadn't you?" pursued the solicitor.

"Yes."

"This sentence was in your report, wasn't it? ‘What appeared to be blood stains may well be paint.' You reported that, didn't you?"
"Yes."

"Why did you say that?"
"I didn't know whether the stains were blood or not."

"Now that rope: it was tangled up in the radiator pretty bad, wasn't it?"
"Yes."

"When did you report the discovery of this club to the city police?"
Attorney Rosser objected. "The solicitor seems to think," he said, "that he discredits every witness we put up by showing that our witness did not report facts to the police."

Solicitor Dorsey answered, "I want to show," said he, "what the head man of the Pinkertons did in this matter."

"Who is the head man?" asked Judge Roan.

"I'll show you in a minute if you'll permit me. It is Pierce."

"Has he been here before as a witness?" asked the judge.

SAYS PINKERTON CONCEALED EVIDENCE.

"So, sir. But can't we show that the Pinkertons didn't go down the road together with the police, as Mr. Rosser claimed one day? That on the other hand, they kept the police in absolute ignorance of this find. Doesn't this evidence show that the

Pinkertons and the police did not go down the road arm in arm, but that the Pinkertons helped to conceal certain evidence?"

Mr. Rosser jumped from his seat. "Your honor, this isn't proper in the presence of the jury."

"Let the jury retire," exclaimed the solicitor. "I want your honor to have all the facts. Let them go out."

Judge Roan ordered the jury out.

Attorney Rosser said as they were leaving, "The state ought to have some decency in this matter."

Attorney Rosser argued against the admission of the evidence, after the jury was out.

"The Pinkertons were employed to discover the murderer, no matter who he was," said Mr. Rosser. "Frank is not the pencil company. Our witnesses are discounted, if that is possible, because Solicitor Dorsey tries to bring out the fact that they did not tell the police everything they knew." He contended that the evidence which the solicitor sought to introduce was hearsay, irrelevant and immaterial.

The solicitor answered, contending that the evidence went to show the interest of the witness in the case.

"I expect to prove to the jury," he said, "that Detective John Black went up there to see about this club, when the police learned through another source that it had been found, and that they brought out this piece of a buggy whip and showed it to him, and never said a word about the club.

"We propose to show that nothing was said about the envelope until July 12. We propose to show that this witness was instructed not to report his finds to the police. We want to show his interest, your honor, and his attitude, and the interest and attitude of the Pinkerton Detective agency."

Judge Roan ruled that he would let the state show that the witness found the club and the envelope (as had already been shown by the defense); that he would let the state show by cross-examination of the witness whether he reported the find to the police; that he would rule out what any other man told the witness.

JURY BROUGHT BACK.

The jury was brought back and the cross-examination continued.

"Who is the head of the Pinkerton Detective agency in Atlanta?"
"H. B. Pierce."

"Where is he now?"
Attorney Rosser objected and was sustained.

"Where is Whitfield now?"
Attorney Rosser objected again, and there was another argument and finally the judge let the solicitor ask the witness as to the whereabouts of both Pierce and Whitfield.

"Where is Pierce?" again asked the solicitor.

"I don't know."

"Where is Whitfield?"
"I don't know."

"When was the last time you saw them?"
"Last Monday evening."

"Do you know whether they are in Atlanta or out of Atlanta?"
"I do not."

"How long after you found this club and this note, did you report the find to the police?"
"Seventeen hours."

"How long after that before you held another conference with the police?"
"Four hours."

"Didn't you tell Black about this buggy whip and this envelope?"
"No, I told him about the club and the envelope."

"When Black went up to the Pinkerton office, didn't you show him this buggy whip stub instead of the club?"
"No."

"To whom did you turn over the buggy whip and the club and the envelope?"
"To H. B. Pierce."

"Then you were not at the office when this was shown to Black?"

"No, I was not there."

Attorney Rosser, taking up the written report by the Pinkerton agency, asked: "Is that the report you furnished?"

"No."

"Didn't you make this report?"
"No."

"Didn't Mr. Dorsey show you the signature at the bottom of this report, and didn't you say it was yours?"
"That may be a copy of the report I made."

"Did you make this diagram showing where you found the club and envelope?"
"Yes, I made it and attached it to my report."

"Do you know if I ever saw this diagram before?"

"No, I do not."

It is reported that Pierce is in Birmingham, outside the jurisdiction of the Georgia court.

Miss Mollie Blair was the next witness. She failed to qualify as a character witness for Frank as she had worked at the pencil factory only three months and knew him only when she saw him.

Miss Sarah Barnes was the next called.

When asked by Attorney Arnold if she knew Leo M. Frank instead of replying yes or no, she launched into an enthusiastic tribute to Frank's character and personality.

LOVES THE SUPERINTENDENT.

"Yes," said she, "I know Mr. Frank, and I don't know anything in the world against him, and I certainly am mighty sorrw [sic] he's got into trouble. I'll tell you, and I'll tell everybody else, Mr. Arnold, that I love my superintendent because he is strictly a business man. I'd be willing to stand right here in my place and die to show that I believe he's innocent. I'd be willing to fight for him."

Attorney Arnold scratched his head and drew a deep breath and decided that he would do well to put the question in legal form. He did so, and after considerable difficulty restrained the witness to the usual stereotyped answers expected from witnesses.

Solicitor Dorsey took the witness in hand.

"Who talked to you about what you were going to swear?"

"Nobody's talked to me about what I was going to swear, except down there at the boarding house, there's fourteen of ‘em, and I have to fight with ‘em every day about my superintendent."

By this time the witness had the court room in an uproar, and the deputies and the judge himself (with a mallet) had difficulty in restoring order.

Judge Roan admonished the witness not to give her opinions but simply to answer the questions.

The solicitor asked her again to state whom she had discussed the case with. She answered that she had discussed it with nobody, except Mr. Arnold came down to the pencil factory office and asked her what she knew about Frank. With that she was excused.

Mrs. Helen Barnes, who worked two years on the fourth floor, testified that Frank's character is good.

Miss Ethel Stewart, now employed by the Southern Belle Telephone company, who formerly worked on the fourth floor of the pencil factory, testified that the character of Frank is good so far as she knows. On cross-examination she said that her estimate of his character is based solely on her own personal knowledge of him.

Miss Irene Jackson, 18 years old, daughter of Policeman A. W. Jackson, on cross-examination delivered the most sensational testimony of the morning.

Miss Jackson stated on direct examination that she worked on the fourth floor about three years, and that she left the factory shortly after the murder. She said she did not know anything about Frank.

Solicitor Dorsey cross-examined the witness.

"You mean you personally knew nothing about him. How did the other girls feel?" he asked.

"The girls seemed to be afraid of him, and started working faster whenever he came around."

"Do you know Miss Emily Mayfield?"

The witness answered that she did, continued that at one time the young woman worked in the pencil factory and later at

Jacobs'. But the witness said she had not seen her since about Easter.

Answering questions by the solicitor, the witness declared that Frank came and pushed open the dressing room door one day while Miss Mayfield was undressing. He looked in, and then left. The witness said she did not see him smile. She said Miss Mayfield had discarded her top dress. In answer to another question, she said Miss Mayfield reported the intrusion of the factory superintendent to one of the foreladies, Miss Cleland.

Asked if she had threatened to quit at that time on account of the occurrence she said, "No," that her sister had.

"After this occurrence, what was said to you about quitting?" "Mr. Darley asked me if I was going to quit, after this murder. I told him that papa was going to make me. He said that it couldn't be helped if papa was going to make me, but he said ‘The girls who stay here through this thing won't lose anything."

"Who else heard that?"
"Miss Clara Stewart was sitting there."

The defense objected to both of the last questions and their answers, but the objection was overruled by the court.

HEARD OTHERS COMPLAIN.

The witness admitted that she had heard the other girls remark several times about Frank coming into the dressing rooms. In answer to other questions, the witness stated that on a second occasion, Frank came into the dressing room when her sister was lying down in there with her feet elevated on a table or a stool. She said Frank just walked in and walked out again, and that she didn't remember in just what stage of undress her sister lay. The witness admitted that she had heard other girls complain that Frank would come to the dressing room and stand and stare.

On a third occasion when she was in the dressing room, said the witness, with Miss Mary Kitchens, Frank came in. Replying to

questions, the witness said that Frank did not knock on any occasion, but just pushed the door in. The witness said she worked at the factory just about three years.

On redirect examination, the witness said that she would have stayed at the factory, as she had a number of bills she wanted to pay, if her father had not objected.

The witness said that two windows in the dressing room of which she spoke open on Forsyth street. She admitted that complaints had been lodged with Frank that some of the girls had been flirting through those windows.

Solicitor Dorsey objected. Attorney Arnold answered: "It's permissible, because it is explanatory of his conduct. We want to show that he was strictly guarding the rules against the girl's flirting with boys on the street through the dressing room windows."

Judge Roan directed Mr. Arnold to put the question again.

"Did you ever hear that girls had been flirting through these windows?"
Solicitor Dorsey directed the witness: "Don't answer," and addressing the court said: "That's the question I'm objecting to."

"I sustain your objection," said Judge Roan.

ORDERS AGAINST FLIRTING.

Attorney Arnold, however, by other questions brought out the fact that there were orders in the factory against girls flirting. He also established that there are a beer saloon and a belting factory across the street.

"Did Frank's looks take in the windows when he came to the door of the dressing room?"
"I don't know."

"When you were in there with your sister, was she fully dressed?"
"Yes."

"Yes."

"Were you?"
"Frank said nothing on either occasion, did he?"
"No, sir."

"Who was with you there the second time?"
"Emily Mayfield."

"What time of day was that?"
"Shortly after 7 o'clock."

"And he simply pushed the door open and stood there?"
"Yes."

"The third time, was anything said?"
"No."

"Which time was it that you were not dressed?"

"When I was in there with Mamie Kitchens?"
The witness continued that she had on all but her top dress on that occasion. There followed other questions by which the defense showed that the girls were never entirely undressed in there. Among them were several which appeared to be leading. Attorney Hooper objecting and saying, "My brother is in a leading streak again," and Judge Roan sustaining the objections.

"When did all this occur?"
"Last summer."

"Did you work there all through the winter?"
"Yes."

DORSEY TAKES WITNESS.

Solicitor Dorsey cross-questioned the witness again.

"When Frank opened the door there was no way for him to tell until he looked just how the girls were dressed, was there?"
"No, sir."

"That was the regular time for dressing, wasn't it?"
"Yes, sir."

"Did you ever hear any talk about Frank putting his hands on girls?"

"No, sir."

"Did you ever hear about him going after the girls?"
"No, sir."

"How long after it that Frank walked in, was it that your sister wanted to quit?"
"It was the next day, but the forelady persuaded her not to."

"Did you ever hear Frank say anything about girls flirting?"
"Yes."

"Whom was he talking to?"

"The forelady."

"What did he say?"
"I don't remember."

"Was that before or after he ran into the dressing room?" Attorney Arnold spoke up. "I object to ‘ran in,'" said he.

"Well, went to the door, then," said the solicitor.

"I don't remember."

"What time are the girls supposed to go to work?" asked Attorney Arnold.

"Seven o'clock."

"What time was it when Frank came in?"

"Ten or fifteen minutes after that."

The witness was excused, and Harllee Branch, a Journal reporter, was called to the stand.

Mr. Branch was asked if he recalled interviewing Jim Conley in the jail, and answered affirmatively. His attention was directed to a file of The Atlanta Journal of May 31. He looked at the interview, read it, and stated that the interview was a correct reported of the substance of what Conley had said to him.

"Did he say it took him thirty minutes to go through with this performance, or did he say it took him thirty minutes for all these things to happen?" asked Attorney Arnold.

"Yes, he estimated that it took him about that time to get through and out of the building."

"Did he tell you that Lemmie Quinn got there after 12 o'clock, and stayed nine or ten minutes?"
"Yes."

The witness was cross-examined by Solicitor Dorsey.

"Was he specific as to the time?"
"He qualified it, I think, by saying ‘about.'"

"Now, about this meshbag. When did you question him concerning that?"
"I don't recall the date, but it was the morning after he went to jail."

"Are you positive he said he saw Lemmie Quinn there?"
"Where did this interview take place?"

"At the jail."

"Was it before or after Conley had reenacted his story at the factory?"
"It was after that."

"Were you there at the factory when he went through the story?"
"Yes."

"What time was he started on his reenactment at the factory?"
Attorney Arnold was on his feet in an instant, objecting. He argued that a witness cannot re-enact his own story for the purpose of corroborating himself, and, therefore, that a person who sees a witness in such a re-enactment cannot testify as to the time it took the witness to go through the performance.

Solicitor Dorsey argued that if Dr. Owens and the party of gentlemen who went to the factory to re-enact Conley's story could testify about the time, then the testimony of Mr. Branch as to the negro's own re-enactment certainly was permissible.

SOLICITOR SUSTAINED.

Judge Roan sustained the solicitor. Mr. Branch then was directed to take up Conley's movements on the diagram and follow them through to the end. As soon as the witness started to comply with this direction, Attorney Arnold objected again, on the ground that Conley's pantomime at the factory was an illustration of an affidavit which he changed in many vital particulars when he testified on the witness stand.

Solicitor Dorsey argued that the affidavit was practically the same as Conley's story told on the witness stand.

Attorney Rosser urged the judge to read the testimony and the affidavit as the highest evidence.

Judge Roan finally ruled that Mr. Branch's testimony would be admitted for the purpose of comparing Conley's re-enactment

with the story Conley told on the witness stand so far as the particulars of the two might coincide.

Mr. Branch again commenced to trace the negro's re-enactment. He estimated that it was about 12:15 when Conley entered the factory. He said the officers led the negro upstairs and stopped on the second floor to tell him what they wanted him to do. Mr. Branch was about to detail some of the conversation, when Attorney Arnold objected again, and there was another long discussion. Mr. Branch finally was instructed to leave out all of the conversation except that part which might be explanatory of Conley's actions. The witness said it would be hard for him to draw this distinction.

ROSSER ENTERS OBJECTION.

Again he started, but no sooner had he gotten under way than Attorney Rosser objected once more. Judge Roan ruled that he would admit Branch's testimony not as a proof of Conley's story, but as an estimate of the time it might take to go through Conley's story.

"But I want you to understand, your honor," said Attorney Rosser, "that while I'm not going to object any more, we here and now record an objection to this testimony." The objection was recorded, and Mr. Branch proceeded, following the negro's movements as he reanacted his story in the pencil factory.

"Now what time did you say you got to the factory?" asked the solicitor, when the witness had finished with the diagram.

"What time did Conley finish?"

"I did not say until Conley had finished. About 1 o'clock he was in the office after having written one or two notes—I am not certain which—and at that hour it was time for me to report at my office, and I telephoned for another man to relieve me."

The witness said that Conley moved so fast that he kept him, the witness, on the run continually, he said. There were half a dozen detectives firing questions at him, which he was answering.

"Leaving out the time it took for Conley to answer the questions, or the detectives to ask them, what is your best opinion, Mr. Branch, of the time it took to go through the performance?"
The witness declared that it was a difficult question to answer. The solicitor insisted on his making an effort to give his opinion.

The defense objected, and while the matter was being argued, Judge Roan announced court adjourned until Monday morning at 9 o'clock. The hour then was 1:05.

SPEAKS TO JURY.

Before letting the jury go for the interval, Judge Roan addressed them, saying: "Gentlemen, I am not holding an afternoon session today for very good reasons, and I shall have to ask you to remain together through another Sunday. I trust and believe that it will be the last Sunday that you will have to remain away from your homes and families. I want to ask you to be extremely cautious and not allow anyone to talk to you or in your hearing about the case, and not to talk about it yourself. I sympathize with you greatly, gentlemen, but jury duty is one of the burdens of good citizenship. You have been chosen in this case because you measure up to the standards of good citizenship. I trust that nothing unpleasant will happen to you. I want to warn you to be very careful of your health. Do not overeat nor eat any substance that is liable to make you ill. I have instructed the sheriff to give you all the exercise that you care to take, and I want to remark again that I hope this is the last Sunday that you will be kept away from your families."